

**NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES**  
**City Council Chambers**  
**Wednesday, November 14, 2012**  
**6:00 p.m.**

**1) CALL MEETING TO ORDER**

The meeting was called to order at 6:00 p.m.

**2) ROLL CALL**

Commissioners: Doug West, Chair  
Brad Avery  
Paul Blank  
David Girling  
Duncan McIntosh  
Karen Rhyne  
Ralph Rodheim

Staff Members: Chris Miller, Harbor Resources Manager  
Shannon Levin, Harbor Resources Supervisor

Council Liaison: Mayor Nancy Gardner

**3) PLEDGE OF ALLEGIANCE – Chair West**

**4) PUBLIC COMMENTS**

Chair West opened the Public Comments section of the meeting and invited those interested in addressing the Commission, to do so at this time.

Jim Mosher commented on the Brown Act and its application to the Commission, addressed noticing requirements and evading the Brown Act by appointing sub-committees consisting of three Members of the Commission. He addressed the goals set by the Commission including the establishment of sub-committees. He encouraged against conducting Commission business through sub-committees to allow for increased transparency and public input. Mayor Gardner indicated that the City Attorney has not found any problem related to the meetings of sub-committees.

**5) APPROVAL OF MINUTES from October 10, 2012**

**Motion:** Commissioner Blank made a motion to approve the minutes of the Harbor Commission regular meeting of October 10, 2012, as submitted. Commissioner Girling seconded the motion, which carried with 6 ayes, 1 abstention (McIntosh). Approved.

**6) CURRENT BUSINESS**

**A. *Stand Up Paddle Boarding in Newport Harbor***

Commissioner Blank will report on his research on stand up paddle boarding in Newport Harbor.

**Recommendation:**

1. Receive and file.

Commissioner Blank provided a presentation regarding stand up paddle boarding in Newport Harbor addressing the issue itself, the approach in researching the matter, existing ordinances/laws governing stand

up paddle boarding in Newport Harbor, areas prohibited and restricted zones, designation of a paddle board as a vessel, related rules, law enforcement, similar ordinances, restrictions and actions in surrounding areas, rental locations for stand up paddle boards, conclusions, definition of a "common sense" approach and recommendations.

Interested parties were invited to address the Commission on this item.

Jim Mosher commented on the various Code sections referenced and Commissioner Blank clarified the appropriate and applicable Codes regarding this matter.

Letty Giang volunteered her resources and staff on water safety and water etiquette. She noted that the NSSIA has developed a manual on water safety and paddle boarding and felt it would be a good resource to help with education and public outreach. She announced the visit of the President of the organization, Bruce Gablesen, with whom she will speak in order to discuss providing additional guidance to the City.

Discussion followed regarding the importance of boating safety and educating the public to promote the matter.

There being no others wishing to address the Commission, Chair West closed public comments for this item.

Members of the Commission commended the Chair for his report during the previous Council meeting and Commissioner Blank for his current report.

Mayor Gardner suggested providing a formal report to Council when formal recommendations are set, since the item was at their direction.

Chair West suggested deferring formal action until the next meeting when more concrete recommendations can be generated.

Brief discussion followed regarding past incidents related to paddle boarding.

***B. Review of the City's Regional General Permit (RGP-54)***

The City's Regional General Permit program will be discussed along with some proposed options for the next permit in 2014. Staff is requesting guidance from the Harbor Commission on how best to proceed by the January 2013 meeting.

**Recommendation:**

1. The Harbor Commission will consider forming a subcommittee to examine various options for the next RGP-54 permit, and will return to the Commission in January 2013 with a recommended approach.

Harbor Resources Manager Chris Miller presented a review of the RGP-54 including background, the need for testing and negotiating with agencies and the possibility of forming a sub-committee to meet as soon as possible to review the matter and return to the Commission with recommendations at its meeting in January, 2013. Mr. Miller presented history, application to shoreline dredging and not in-channel dredging, the permit term, existing restrictions, disposal of spoils, number of applicants throughout the years, the permitting process and applicable fees, eelgrass restrictions, costs of dredging, approval of the current permit, the possibility of streamlining the permitting process and options to be considered.

Chair West indicated that the matter coincides with one of the Commission's objectives and indicated his support. He stated that the sub-committee will be comprised of himself, Commissioner McIntosh and Commissioner Avery.

Discussion followed regarding clarification of shading used within a comparison chart in the presentation, distinguishing between the old and new RGP, the different agencies involved in dredging projects and new restrictions regarding prohibiting dredging near eelgrass areas.

It was noted that a presentation on eelgrass issues will be provided at the Harbor Commission meeting in January, 2013.

Ensuing discussion pertained to the temporary renewal of the RGP-54 and related requirements, the process for homeowners for obtaining an individual permit (IP) and related costs, subsidies, future impacts regarding private slips, making the process easier for homeowners, looking at possible options and alternatives going forward and encouraging increased community outreach.

Discussion continued regarding the existence of previous surveys of homeowners.

Interested parties were invited to address the Commission on this item.

Mark Sites reported he has been in the business of dredging for over thirty years and offered to provide information and encouraged the Commission to contact him. He noted that the average homeowner doesn't get anywhere near 1,000 yards of dredging but rather 100 to 200 yards. He addressed beach disposal and reported they have many homeowners have indicated interest in dredging but are tangled in the permitting process. He addressed the benefits of a barge.

There being no others wishing to address the Commission, Chair West closed public comments for this item.

#### ***C. Discussion of Proposed Approaches for Reorganizing the Harbor Commission***

The Harbor Commission will discuss the ideas for reorganizing the Commission as stated at the Council Study Session on November 13, 2012.

#### **Recommendation:**

1. Receive and file.

Chair West noted that the issue was discussed during the recent Council study session.

Mayor Gardner reported that this was an outgrowth of the Tidelands Management Committee and a function of having various discussions and frustration regarding the role of the Commission. She explained the rationale in developing recommendations, noted that the Harbor Commission doesn't deal with water quality issues and stressed the importance of water quality. She reported the proposal will be brought before Council and requested input from the Commission before formal presentation to Council.

Mr. Miller presented details of the proposal including history of the formation of the Council Ad Hoc Committee and the intent to standardize processes and roles for City commissions and committees. He detailed the proposed changes for the Harbor Commission including changing the Harbor Commission to a Harbor Tidelands Management Committee, its mission, membership, Council Members and whether they will be voting or nonvoting members and terms. He addressed the responsibilities and purposes of the newly formed committee.

Mayor Gardner explained the reason why it was suggested that one of the Council Members act as Chair of the Committee. She addressed setting agendas, Brown Act issues, voting and recusal of Council Members when considering issues related to the Committee in which they are members.

Discussion followed regarding the process for setting agendas by a majority of Committee members, challenges with Council Members voting and possible conflict of interest implications, benefits of contributions by Council Members, development of the Harbor Capital Plan by the Tidelands Management Committee, challenges with implementation of the Plan and using the Committee to help with implementation.

Ensuing discussion pertained to establishing the Committee of the Harbor Commission, the benefits of having a Council Members and the importance of getting the job done.

Discussion followed regarding the importance of maintaining the Harbor Commission, the possibility of increasing the frequency of meetings between the Harbor Commission and Council for complete and updated relevant information, the need for a sub-committee with three Council Members to discuss financial issues and impacts and accomplishments of the Harbor Commission.

Members of the Commission commented on the concept and Mayor Gardner noted that no other Commission meets with Council.

Discussion followed regarding the value of the current Commission for City residents in its representation of the Harbor, benefits of having an additional Council liaison and having the Chair be a member of the public.

Ensuing discussion pertained to the current Commission being an independent and free body compared to the recommended Committee which would restrict the independent free-thinking that citizens deserve. The differences between committees and commissions and the perceptions associated with a lack of a Harbor Commission were addressed as well as the importance of maintaining the current structure.

Discussion continued regarding possible trust issues, lack of a consistent framework reinforcing the accountability of the Commission to Council and the importance of the Harbor Commission's role in filtering out ideas that deserve the attention of Council.

Mayor Gardner summarized the desires of the Commission and wondered if it can handle the added responsibilities of the Tidelands Management Plan.

Ensuing discussion pertained to forming sub-committees from Members of the Commission for important items and the importance of having two Council liaisons to the Commission. Discussion followed regarding the possibility of continuing the Tidelands Management Committee as well as the Harbor Commission and values of being a "one-stop-shop" relative to Harbor issues and the importance of public perception.

Mayor Gardner will communicate with the Ad Hoc Committee regarding the present discussions and return to the Commission with information on what will be proposed.

Interested parties were invited to address the Commission.

Dan Purcell commented on the role of the Commission related to boating issues and wondered why there are no other Council Members present at this time. He felt that there should be representation from other City Commissions on the Harbor Commission and commented on a loss of continuity and knowledge between the various commissions and committees.

John Corrough agreed with the previous speaker and referenced written comments which he distributed for review by the Commission and staff. He addressed the need for Commission's experience and expertise and spoke in support of keeping the Harbor Commission as it exists, while assigning additional responsibilities related to Tidelands Management and water quality issues.

There being no others wishing to address the Commission, Chair West closed public comments for this item.

## **7) SUBCOMMITTEE REPORTS**

Regarding the issue of boat slip overhangs, it was noted that the sub-committee currently has no report but will continue its consideration of the item in future meetings.

Regarding the issue of the Lower Castaways, the sub-committee continues with its due diligence and will continue to work on the matter and report back to the Commission at its meeting in January.

**8) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES**

Mayor Gardner reported that a community meeting will be held on Monday, November 19, 2012 at 3:30 p.m. on the issue of residential piers and potential fee changes. She addressed recent related Council actions and that there will be an upcoming opportunity to reconsider the issues for possible further adjustments. A City-wide appraisal will occur within five years instead of the originally-proposed ten years.

Discussion followed regarding increased charges by large marina operators putting a burden on recreational boating and location of budget information on this City's website.

**9) HARBOR RESOURCES UPDATE – Receive and File**

Mr. Miller presented a brief update on the dredging project including areas completed, milestones, and areas yet to be completed, dredging on the back side of Linda Isle and next steps. He addressed the expected completion of the project and measures being taken to facilitate the Christmas Boat Parade.

Discussion followed regarding the anticipated relocation of the Lido anchorage at the end of the dredging project.

Mr. Miller reported on the next Tidelands Management Committee meeting.

Discussion followed regarding the possibility of meeting in December. Chair West suggested there will be no meeting in December, unless a warranted topic arises. The next meeting will be on January 9, 2013 and Mr. Miller presented items that will be on the agenda at that time.

Chair West requested that each Commission Member responsible for the various objectives be prepared to present a status update at the January 9th Commission meeting.

**10) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR HARBOR RESOURCES UPDATE**

None

**11) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**

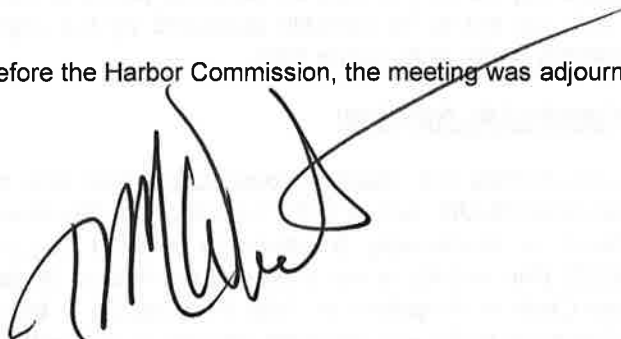
- Overview of eelgrass in Newport Harbor: A presentation by Mike Josselyn Ph.D., WRA Environmental Consultants

**12) DATE AND TIME FOR NEXT MEETING:**

Mr. Miller noted that the next meeting of the Harbor Commission will be on January 9, 2013.

**13) ADJOURNMENT**

There being no further business to come before the Harbor Commission, the meeting was adjourned at 8:15 p.m.

A large, stylized handwritten signature in black ink, likely belonging to a member of the Harbor Commission, is written over the bottom right portion of the page.